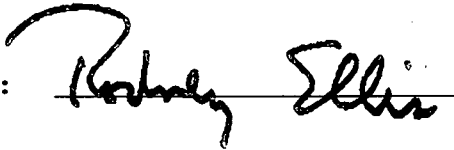


By:



S.B. No. 1354

A BILL TO BE ENTITLED

AN ACT

relating to abolishing the State Board of Barber Examiners, the Texas Cosmetology Commission, and the Texas Board of Professional Land Surveying, and transferring the functions of those agencies to the Texas Department of Licensing and Regulation.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 1071.002, Occupations Code, is amended by adding Subdivision (3-a) to read as follows:

(3-a) "Department" means the Texas Department of Licensing and Regulation.

SECTION 2. Subchapter A, Chapter 1071, Occupations Code, is amended by adding Section 1071.005 to read as follows:

Sec. 1071.005. TEXAS DEPARTMENT OF LICENSING AND REGULATION. (a) The department shall administer this chapter. If in administering this chapter there is a conflict between a provision of this chapter and a provision of Chapter 51, the provision of Chapter 51 controls.

(b) A reference in this chapter or other law to the board means the department.

SECTION 3. Section 1601.001, Occupations Code, is amended by adding Subdivision (4-a) to read as follows:

(4-a) "Department" means the Texas Department of Licensing and Regulation.

SECTION 4. Subchapter A, Chapter 1601, Occupations Code, is

1 amended by adding Section 1601.005 to read as follows:

2       Sec. 1601.005. TEXAS DEPARTMENT OF LICENSING AND  
3 REGULATION. (a) The department shall administer this chapter. If  
4 in administering this chapter there is a conflict between a  
5 provision of this chapter and a provision of Chapter 51, the  
6 provision of Chapter 51 controls.

7       (b) A reference in this chapter or other law to the board  
8 means the department.

9       SECTION 5. Section 1602.001, Occupations Code, is amended  
10 by adding Subdivision (1-a) to read as follows:

11       (1-a) "Department" means the Texas Department of  
12 Licensing and Regulation.

13       SECTION 6. Subchapter A, Chapter 1602, Occupations Code, is  
14 amended by adding Section 1602.005 to read as follows:

15       Sec. 1602.005. TEXAS DEPARTMENT OF LICENSING AND  
16 REGULATION. (a) The department shall administer this chapter. If  
17 in administering this chapter there is a conflict between a  
18 provision of this chapter and a provision of Chapter 51, the  
19 provision of Chapter 51 controls.

20       (b) A reference in this chapter or other law to the  
21 commission means the department.

22       SECTION 7. On November 1, 2003, the following laws are  
23 repealed:

- 24               (1) Section 1071.003, Occupations Code;  
25               (2) Subchapters B, C, and E, Chapter 1071, Occupations  
26 Code;  
27               (3) Section 1601.004, Occupations Code;

1                   (4) Subchapters B, C, and E, Chapter 1601, Occupations  
2 Code;

3                   (5) Section 1602.004, Occupations Code; and

4                   (6) Subchapters B, C, and E, Chapter 1602, Occupations  
5 Code.

6           SECTION 8. (a) On November 1, 2003:

7                   (1) all functions and activities relating to Chapter  
8 1071, Occupations Code, performed by the Texas Board of  
9 Professional Land Surveying immediately before that date are  
10 transferred to the Texas Department of Licensing and Regulation;

11                  (2) a rule or form adopted by the Texas Board of  
12 Professional Land Surveying that relates to Chapter 1071,  
13 Occupations Code, is a rule or form of the Texas Department of  
14 Licensing and Regulation and remains in effect until amended or  
15 replaced by that department;

16                  (3) a reference in law or an administrative rule to the  
17 Texas Board of Professional Land Surveying that relates to Chapter  
18 1071, Occupations Code, means the Texas Department of Licensing and  
19 Regulation;

20                  (4) a complaint, investigation, or other proceeding  
21 before the Texas Board of Professional Land Surveying that is  
22 related to Chapter 1071, Occupations Code, is transferred without  
23 change in status to the Texas Department of Licensing and  
24 Regulation, and the Texas Department of Licensing and Regulation  
25 assumes, as appropriate and without a change in status, the  
26 position of the Texas Board of Professional Land Surveying in an  
27 action or proceeding to which the Texas Board of Professional Land

1 Surveying is a party;

2 (5) all money, contracts, leases, property, and  
3 obligations of the Texas Board of Professional Land Surveying  
4 related to Chapter 1071, Occupations Code, are transferred to the  
5 Texas Department of Licensing and Regulation;

6 (6) all property in the custody of the Texas Board of  
7 Professional Land Surveying related to Chapter 1071, Occupations  
8 Code, is transferred to the Texas Department of Licensing and  
9 Regulation; and

10 (7) the unexpended and unobligated balance of any  
11 money appropriated by the legislature for the Texas Board of  
12 Professional Land Surveying related to Chapter 1071, Occupations  
13 Code, is transferred to the Texas Department of Licensing and  
14 Regulation.

15 (b) Before November 1, 2003, the Texas Board of Professional  
16 Land Surveying may agree with the Texas Department of Licensing and  
17 Regulation to transfer any property of the Texas Board of  
18 Professional Land Surveying to the Texas Department of Licensing  
19 and Regulation to implement the transfer required by this Act.

20 (c) In the period beginning on the effective date of this  
21 Act and ending on November 1, 2003, the Texas Board of Professional  
22 Land Surveying shall continue to perform functions and activities  
23 under Chapter 1071, Occupations Code, as if that chapter had not  
24 been amended by this Act, and the former law is continued in effect  
25 for that purpose.

26 SECTION 9. (a) On November 1, 2003:

27 (1) all functions and activities relating to Chapter

1 1601, Occupations Code, performed by the State Board of Barber  
2 Examiners immediately before that date are transferred to the Texas  
3 Department of Licensing and Regulation;

4 (2) a rule or form adopted by the State Board of Barber  
5 Examiners that relates to Chapter 1601, Occupations Code, is a rule  
6 or form of the Texas Department of Licensing and Regulation and  
7 remains in effect until amended or replaced by that department;

8 (3) a reference in law or an administrative rule to the  
9 State Board of Barber Examiners that relates to Chapter 1601,  
10 Occupations Code, means the Texas Department of Licensing and  
11 Regulation;

12 (4) a complaint, investigation, or other proceeding  
13 before the State Board of Barber Examiners that is related to  
14 Chapter 1601, Occupations Code, is transferred without change in  
15 status to the Texas Department of Licensing and Regulation, and the  
16 Texas Department of Licensing and Regulation assumes, as  
17 appropriate and without a change in status, the position of the  
18 State Board of Barber Examiners in an action or proceeding to which  
19 the State Board of Barber Examiners is a party;

20 (5) all money, contracts, leases, property, and  
21 obligations of the State Board of Barber Examiners related to  
22 Chapter 1601, Occupations Code, are transferred to the Texas  
23 Department of Licensing and Regulation;

24 (6) all property in the custody of the State Board of  
25 Barber Examiners related to Chapter 1601, Occupations Code, is  
26 transferred to the Texas Department of Licensing and Regulation;  
27 and

1           (7) the unexpended and unobligated balance of any  
2 money appropriated by the legislature for the State Board of Barber  
3 Examiners related to Chapter 1601, Occupations Code, is transferred  
4 to the Texas Department of Licensing and Regulation.

5           (b) Before November 1, 2003, the State Board of Barber  
6 Examiners may agree with the Texas Department of Licensing and  
7 Regulation to transfer any property of the State Board of Barber  
8 Examiners to the Texas Department of Licensing and Regulation to  
9 implement the transfer required by this Act.

10          (c) In the period beginning on the effective date of this  
11 Act and ending on November 1, 2003, the State Board of Barber  
12 Examiners shall continue to perform functions and activities under  
13 Chapter 1601, Occupations Code, as if that chapter had not been  
14 amended by this Act, and the former law is continued in effect for  
15 that purpose.

16          SECTION 10. (a) On November 1, 2003:

17           (1) all functions and activities relating to Chapter  
18 1602, Occupations Code, performed by the Texas Cosmetology  
19 Commission immediately before that date are transferred to the  
20 Texas Department of Licensing and Regulation;

21           (2) a rule or form adopted by the Texas Cosmetology  
22 Commission that relates to Chapter 1602, Occupations Code, is a  
23 rule or form of the Texas Department of Licensing and Regulation and  
24 remains in effect until amended or replaced by that department;

25           (3) a reference in law or an administrative rule to the  
26 Texas Cosmetology Commission that relates to Chapter 1602,  
27 Occupations Code, means the Texas Department of Licensing and

1 Regulation;

2 (4) a complaint, investigation, or other proceeding  
3 before the Texas Cosmetology Commission that is related to Chapter  
4 1602, Occupations Code, is transferred without change in status to  
5 the Texas Department of Licensing and Regulation, and the Texas  
6 Department of Licensing and Regulation assumes, as appropriate and  
7 without a change in status, the position of the Texas Cosmetology  
8 Commission in an action or proceeding to which the Texas  
9 Cosmetology Commission is a party;

10 (5) all money, contracts, leases, property, and  
11 obligations of the Texas Cosmetology Commission related to Chapter  
12 1602, Occupations Code, are transferred to the Texas Department of  
13 Licensing and Regulation;

14 (6) all property in the custody of the Texas  
15 Cosmetology Commission related to Chapter 1602, Occupations Code,  
16 is transferred to the Texas Department of Licensing and Regulation;  
17 and

18 (7) the unexpended and unobligated balance of any  
19 money appropriated by the legislature for the Texas Cosmetology  
20 Commission related to Chapter 1602, Occupations Code, is  
21 transferred to the Texas Department of Licensing and Regulation.

22 (b) Before November 1, 2003, the Texas Cosmetology  
23 Commission may agree with the Texas Department of Licensing and  
24 Regulation to transfer any property of the Texas Cosmetology  
25 Commission to the Texas Department of Licensing and Regulation to  
26 implement the transfer required by this Act.

27 (c) In the period beginning on the effective date of this

1 Act and ending on November 1, 2003, the Texas Cosmetology  
2 Commission shall continue to perform functions and activities under  
3 Chapter 1602, Occupations Code, as if that chapter had not been  
4 amended by this Act, and the former law is continued in effect for  
5 that purpose.

6 SECTION 11. This Act takes effect June 1, 2003, if it  
7 receives a vote of two-thirds of all the members elected to each  
8 house, as provided by Section 39, Article III, Texas Constitution.  
9 If this Act does not receive the vote necessary for immediate  
10 effect, this Act takes effect September 1, 2003.



By Robbie Ellis

**AN ACT:**

3-12-03  
MAR 19 2003

## GOVERNMENT ORGANIZATION

Reported favorably \_\_\_\_\_

Ordered not printed

Laid before the Senate

Senate and Constitutional Rules to permit consideration suspended by: \_\_\_\_\_  
\_\_\_\_\_ years, \_\_\_\_\_ days

Read second time, \_\_\_\_\_, and ordered engrossed by: { a viva voce vote  
\_\_\_\_\_ yeas, \_\_\_\_\_ nays

Senate and Constitutional 3 Day Rule suspended by a vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays.

Read third time, \_\_\_\_\_, and passed by: } \_\_\_\_\_ yeas, \_\_\_\_\_ nays

**OTHER ACTION:**

Engrossed

Sent to House

Engrossing Clerk \_\_\_\_\_

Received from the Senate

Read first time and referred to Committee on \_\_\_\_\_

Reported \_\_\_\_\_favorably (as amended) (as substituted)

Sent to Committee on (Calendars) (Local & Consent Calendars)

Read second time (comm. subst.) (amended); passed to third reading (failed) by a (non-record vote) (record vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting)

Constitutional rule requiring bills to be read on three several days suspended (failed to suspend) by a vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting.

Read third time (amended); finally passed (failed to pass) by a (non-record vote)  
(record vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting)

Returned to Senate.

CHIEF CLERK OF THE HOUSE

Returned from House without amendment.

Returned from House with \_\_\_\_\_ amendments.

Concurred in House amendments by a viva voce vote \_\_\_\_\_ yeas, \_\_\_\_\_ nays.

\_\_\_\_\_ Refused to concur in House amendments and requested the appointment of a Conference Committee to adjust the differences.

\_\_\_\_\_ Senate conferees instructed.

\_\_\_\_\_ Senate conferees appointed: \_\_\_\_\_, Chairman; \_\_\_\_\_  
\_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_

\_\_\_\_\_ House granted Senate request. House conferees appointed: \_\_\_\_\_, Chairman;  
\_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_ Conference Committee Report read and filed with the Secretary of the Senate.

\_\_\_\_\_ Conference Committee Report adopted on the part of the House by: \_\_\_\_\_

{ a viva voce vote  
\_\_\_\_\_ yeas, \_\_\_\_\_ nays

\_\_\_\_\_ Conference Committee Report adopted on the part of the Senate by:

{ a viva voce vote  
\_\_\_\_\_ yeas, \_\_\_\_\_ nays

**OTHER ACTION:**

\_\_\_\_\_ Recommitted to Conference Committee

\_\_\_\_\_ Conferees discharged.

\_\_\_\_\_ Conference Committee Report failed of adoption by: \_\_\_\_\_

{ a viva voce vote  
\_\_\_\_\_ yeas, \_\_\_\_\_ nays